

Patent Docket #1256R3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Virginia E. Paton et al. Serial No.: 09/209,023 Filed: December 10, 1998 For: TREATMENT WITH ANTI-ErbB2 ANTIBODIES	Group Art Unit: 1642 Examiner: Anne Holleran Certificate of Facsimile Transmission Under 37 CFR § 1.8 In accordance with CFR § 1.8(d), this correspondence addressed to The Patent and Trademark Office, Washington, DC 20231 is being transmitted to facsimile No. (703) 872-8308. December 10, 2002 <i>Anna Kan</i> Anna Kan
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AMENDMENT UNDER 37 C.F.R. §1.111

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Responsive to the Office Action mailed 9/10/02, reconsideration of the present application is respectfully requested in view of the following amendments and remarks.

IN THE CLAIMS:

Please amend the pending claims as follows. Pending claims which are not amended herein are included below, identified as "(Reiterated)," for the Examiner's convenience.

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C1

1. (Twice Amended) A method for the treatment of a human patient with a cancer characterized by overexpression of ErbB2 receptor, comprising administering a combination of an anti-ErbB2 antibody and gemcitabine, in the absence of an anthracycline derivative, to the human patient in an amount effective to treat the cancer, wherein the treatment increases time to disease progression, without increase in overall severe adverse events, compared to therapy with gemcitabine alone.

Please cancel claims 2 and 3, without prejudice or disclaimer.

4. (Amended) The method of claim 1 wherein said cancer is selected from the